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10/620,103

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Samir Saad

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01/26/2005

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EXAMINER

PARK, JOHN J

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,103

Applicant(s)

SAAD, SAMIR

Examiner

John J. Park

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>herewith</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities:

There is a spelling error in the word "car" in line 4 of claim 16. The word should be corrected by "card". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler et al. (Pub. No. U.S. 2002/0026348) in view of Fertig (U.S. patent No. 6,050,493, cited by the applicant).

Re claim 1, Fowler et al. disclose systems and methods permitting individual merchants and merchant groups to run one-to-one marketing programs between one or more selected merchants and one or more selected customers or customer groups, at the point-of-transaction, with awards determined, credited, delivered and redeemed in real-time (See Col. 2 [0015]). One or more databases for storing and updating merchant information, customer information and transaction information for delivery to the customer and/or the merchant (See Col. 3 [0020]) are linked to the host controller, and the host controller is linked to one or more program matrix rules modules (See Col. 3

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[0023]). Then, gift or award is redeemed at any participating merchant, and redemption of the gift or award is communicated to and stored by the host controller system using a point of transaction device from the redeeming merchant (See Col. 5 [0037]).

However, Fowler et al. fail to teach distributing a product card including product and card information, collecting revenue from a purchaser of the card, and activating the card when the card is purchased so that the card can be redeemed.

Fertig discloses a pre-paid card (See Col. 1 Line 5-7) for ordering flowers or some other type of gift item which has a front face with photographs or drawings of a plurality of pre-selected gift items (See Fig. 1), and back face with warranty and instructional information, as well as a telephone access number and a PIN number which is unique to the card (See Fig. 2; Col. 1 Line 35-39). A magnetic stripe of the back face would allow card to be activated at the point of sale, and is also used to imprint other various electronic information pertaining to the sales, marketing and inventory processes (See Col. 2 Line 19-27).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a pre-paid card with photographs or drawings of gift items and an unique PIN number for the card, and a magnetic stripe for activating at the point of sale as taught by Fertig into the teachings of Fowler et al. in order to provide a pre-paid card with identification, product description, activation function to a customer who purchase the card that it would connect with a host controller system for better transaction.

Re claim 2, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 1 stated above, wherein said

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distributing a product card includes distributing a product card with product and card information comprising a product identification code and a card identification code, and said storing includes storing the product identification code and the card identification code in the computer system (See Col. 7 [0054] in Fowler et al.).

Re claim 3, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 1 stated above, wherein said activating includes storing an active status code in said computer system with the card identification code (See Col. 5 [0037] in Fowler et al.).

Re claim 4, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 2 stated above, further comprising: determining the activation status code of the card based on the product and card information; and if the card is activated then inputting the delivery information into the computer system (See Col. 2 [0015] in Fowler et al.).

Re claim 5, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 1 stated above, wherein said determining further includes determining whether the product and card information is stored in said computer system to determine whether the card is valid (See Col. 1 [0003] in Fowler et al.).

Re claim 6, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 1 stated above, further comprising: providing the product card with a description of the product associated with said product and card information (See Fig. 1; Fig. 2 in Fertig).

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Re claim 7. Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 6 stated above, wherein said providing the product card with a description of the product includes providing the card with an illustration of the product (See Fig. 1 in Fertig).

Re claim 8, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 1 stated above, wherein said providing a product card includes encoding the card with a card identification code and the product identification code associated with said product and card information (See Col. 4-5 [0032] in Fowler).

Re claim 12, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 1 stated above, further comprising displaying said product card at a display location in the retail location (See Col. 2 Line 57-61 in Fertig).

Re claim 13, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 12 stated above, further comprising locating the display location remote from a cashier of the retail location (See Col. 2 Line 24-26 in Fertig).

Re claim 14, Fowler et al. disclose systems and methods permitting individual merchants and merchant groups to run one-to-one marketing programs between one or more selected merchants and one or more selected customers or customer groups, at the point-of-transaction, with awards determined, credited, delivered and redeemed in real-time (See Col. 2 [0015]). Transaction card number and customer ID data are transmitted to a merchant in-house operating system where data is stored and analyzed (See Col. 7.

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[0054]). Then, gift or award is redeemed at any participating merchant, and redemption of the gift or award is communicated to and stored by the host controller system using a point of transaction device from the redeeming merchant (See Col. 5 [0037]). In a preferred real-time system implementation, information such as updated award information or customer information may be transmitted to the remote transaction system for delivery to the customer and/or the merchant (See Col. 3 [0020]).

However, Fowler et al. fail to teach displaying an encoded product card in a retail establishment, and collecting revenue from a purchaser of the card.

Fertig discloses displaying a pre-paid gift card (See Col. 1 Line 5-7) with PIN number in an open showroom or stock area for customer self-selection (See Col. 2 Line 19-27).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the pre-paid gift card with PIN number in an open show room or stock area as taught by Fertig into the teachings of Fowler et al. in order to sell the gift card with own card identification number in a public area that it could get revenue from the transaction for secure and convenient marketing.

Re claim 15, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 14 stated above, further comprising: activating the card either (a) when said card is received by a retailer or (b) when the card is purchased, the card being activated so that the card can be redeemed (See Col. 5 [0037] in Fowler et al.).

Re claim 16, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 15 stated above, wherein said

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activating includes storing an active status code in said computer system with the card identification code, and said inputting includes confirming that the computer system indicates an active status code for said product card before inputting said delivery information (See Col. 9 [0071] in Fowler et al.).

Re claim 17, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 14 stated above, wherein said inputting includes confirming includes determining whether the card identification code is stored in said computer system to determine whether the card is valid (See Col. 5 [0034] in Fowler et al.).

Re claim 18, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 14 stated above, wherein said providing a product card includes encoding the card with the card identification code and the product identification code (See Col. 4-5 [0032] in Fowler et al.).

Re claim 19, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 14 stated above, wherein said displaying includes displaying the product card at a display location in the retail establishment, and locating the display location remote from a cashier of the retail establishment (See Col. 2 Line 24-26, Line 57-61 in Fertig).

Re claim 20, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 14 stated above, wherein said providing a product card includes providing a product card with ordering information (See Col. 1 Line 49-52 in Fertig).

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Re claim 21, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 20 stated above, wherein said providing a product card with ordering information includes providing a product card with an Internet address to a web site where the card can be redeemed online (See Col. 12 [0090] in Fowler et al.).

Re claim 22, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 14 stated above, further comprising collecting revenue from the retail establishment for distributing the product cards based on at least a percentage of a dollar amount associated with the product card (See Col. 12 [0089] in Fowler).

Re claim 23, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 22 stated above, further comprising applying a portion of the revenue toward delivery costs of the product associated with said product identification code (See Col. 12 [0089] in Fowler).

Re claim 24, Fowler et al. in view of Fertig disclose a method of selling and delivering a product as recited in the rejected claim 14 stated above, further comprising providing a contact for the purchaser, the contact receiving the product identification code, said card identification code, and the delivery information and inputting the delivery information into the computer system (See Col. 2 [0017] in Fowler).

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler et al. (Pub. No. U.S. 2002/0026348) in view of Fertig (U.S. patent No. 6,050,493,

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cited by the applicant) as applied to claim 1 above, and further in view of Kazaks et al. (Pub. No. U.S. 2002/0046341).

Re claim 9-11, the teachings of Fowler et al. in view of Fertig have been discussed above.

However, Fowler et al. in view of Fertig fail to teach the product card encoded with a retail store code associated with a retail location, a dollar amount associated with the card, and a dollar amount associated with the retail store code.

Kazaks et al. disclose that the information of the location of the store, the time and date, and the account number is coded (See Col. 4 [0040]) for activation, the amount of charged is encoded in an accessible bar code, price tag, or other system for billing (See Col. 4 [0043]), and a binary identification number (BIN) is a two-part code assigned to banks and sales terminal for database (See Col. 4 [0042]).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ encoding method for the location of the store, charged amount, and transaction as taught by Kazaks et al. into the teachings of Fowler et al. in view of Fertig in order to encode the information of retail store, charged amount and sales transaction in an accessible bar code, price tag, or other system for billing for a transaction database for one stop sales transaction.

5. Claims 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler et al. (Pub. No. U.S. 2002/0026348) in view of Fertig (U.S. patent No. 6,050,493, cited by the applicant) and Kohler et al. (Pub. No. U.S. 2002/0032668).

Re claim 25, Fowler et al. disclose systems and methods permitting individual merchants and merchant groups to run one-to-one marketing programs between one or more selected merchants and one or more selected customers or customer groups, at the point-of-transaction, with awards determined, credited, delivered and redeemed in real-time (See Col. 2 [0015]). One or more databases for storing and updating merchant information, customer information and transaction information for delivery to the customer and/or the merchant (See Col. 3 [0020]) are linked to the host controller, and the host controller is linked to one or more program matrix rules modules (See Col. 3 [0023]).

However, Fowler et al. fail to teach a product card associated with a product, an order fulfillment center for delivering an order.

Fertig discloses that the face of card unit includes description identifying what the product is, source information identifying the manufacturer or sponsor of gift card, and promotional printed information (See Fig. 1; Fig. 2). Kohler et al. discloses that a fulfillment center preparing a mailer that a seller uses to ship items to the buyer (See Fig. 5 [0063]-[0064])

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the gift card with production description as taught by Fertig, and the fulfillment center preparing a mailer to ship items to the buyer as taught by Kohler et al. into the teachings of Fowler et al. in order to provide the gift card with production description and the fulfillment center for shipping items to a production card transaction process that it would enhance marketing process efficiently.

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Re claim 26, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 25 stated above, wherein said link comprises a telephone link (See Col. 3 Line 3-5 in Fertig).

Re claim 27, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 26 stated above, wherein said link further comprises an operator, said operator receiving said data information and said delivery information from the redeemer through said telephone link, said operator inputting said delivery information into said computer system (See Col. 3 Line 7-9 in Fertig).

Re claim 28, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 25 stated above, wherein said link comprises an Internet link (See Col. 12 [0090] in Fowler et al.).

Re claim 29, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 25 stated above, wherein said order fulfillment center delivers an order to a mailing service for delivery of said order to the recipient (See Col. 5 [0064] in Kohler et al.).

Re claim 30, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 25 stated above, wherein said card processor comprises a card reader (See Col. 7 [0053] in Fowler et al.).

Re claim 31, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 25

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stated above, further comprising a website said computer system downloading at least some of said data information to said website (See Col. 2 [0029] in Kohler et al.).

Re claim 32, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 31 stated above, wherein said order fulfillment center is in communication with said website (See Col. 5 [0063]-[0064] in Kohler et al.).

Re claim 33, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 31 stated above, wherein said website is accessible by the redeemer (See Col. 2 [0028] in Kohler et al.).

Re claim 34, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 31 stated above, wherein said website includes said card identification and product identification information and said delivery information (See Col. 2 [0028] in Kohler et al.).

Re claim 35, Fowler et al. in view of Fertig and Kohler et al. disclose a sales and delivery system for delivering consumer products as recited in the rejected claim 34 stated above, wherein said website further includes tracking information (See Col. 4 [0042] in Kohler et al.).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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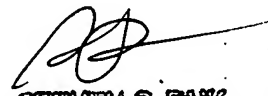
Graves et al. (U.S. patent No. 6,575,361) disclose a computerized system and method for managing stored value card data over a communications network between a plurality of terminals and a central processor; Tsukuda (U.S. patent No. 6,085,170) discloses a delivery managing system for managing delivery of goods from a distribution center through an agent to a receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Park whose telephone number is 571-272-2350. The examiner can normally be reached on 5:30am - 2:00pm (Monday - Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John J Park
Examiner
Art Unit 2876



STEVEN S. PARK
PRIMARY EXAMINER